

Department of Community Planning and Economic Development - Planning Division Report**Variance Request
BZZ-4016****Date:** May 28, 2008**Applicant:** Jon and Melanie Ault (property owners)**Address of Property:** 3109 Fillmore Street NE**Contact Person and Phone:** Jon Ault, (612) 781-5267**Planning Staff and Phone:** Aaron Hanauer, (612) 673-2494**Date Application Deemed Complete:** April 21, 2008**Publication Date:** June 6, 2008**Public Hearing:** June 12, 2008**Appeal Period Expiration:** June 23, 2008**End of 120 Day Decision Period:** August 19, 2008**Ward: 1 Neighborhood Organization:** Waite Park Community Council**Existing Zoning:** R1A/Single-Family District**Proposed Use:** Addition of a second-story bay window**Proposed Variances:** A variance to reduce the north interior side yard setback from five feet to three feet.**Zoning code section authorizing the requested variance:** 525.520 (1)

Background: The subject property, 3109 Fillmore Street NE, is located in Northeast Minneapolis just east of Deming Heights Park. The surrounding area is low-density residential. With the exception of one property on Taylor Street NE, all properties within a radius of 350 feet of the subject property are zoned R1A.

The subject property is an interior lot. It measures 5,000 sq. ft. and is 40 ft. wide, which meet the R1A Zoning District requirements for lot area and width. The subject property contains a 1 ½ -story, Tudor architectural styled, single-family dwelling. It was built in 1936 and is located four feet from the north interior property line.

Proposal: The applicant received a building permit for a second-story addition in April 2008 (BIRE 3052285). This portion of the project did not require a variance. The portion of the project that does require a variance and did not receive approval in April was a bay window that is proposed to be 24 square feet; six feet wide by four feet high (see Appendix B7). The window is proposed to project one foot from north façade and be located three feet from the north property line.

Note: The R1A Zoning District interior side yard requirement is 5 feet. Bay windows are not a permitted obstruction in the interior side yard.

Public Comment: CPED received a letter supporting the variance request from the immediate neighbor to the north at 3115 Fillmore Street NE.

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The applicant has requested a variance to reduce the north, interior yard setback from five feet to three feet to allow for a bay window. CPED does not recognize a hardship on the lot for the variance request; but it recognizes the proposed addition as a reasonable request for ongoing use of the property.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The subject property was built four feet from the north interior property line in 1936, which is prior to the establishment of interior side yard setbacks for a single-family house. The original location of the house, four feet from the north interior property line, does not allow for a bay window addition, which is a common feature of Minneapolis houses.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Granting of the variance will be keeping with the spirit and intent of interior side yard provision and will not be injurious to the enjoyment of the neighboring properties. The spirit and intent of the interior side yard setbacks includes trying to provide adequate privacy desirable and safe visibility, and buffering between buildings. The proposed bay window will project one foot beyond the existing north building wall. It will be located three feet from the shared property line and 11 feet from 3115 Fillmore Street NE. CPED believes that these distances maintain adequate privacy, safety, and buffering between the buildings. In addition, the neighbor at 3115 Fillmore Street NE has provided a letter of support of the variance request (Appendix D).

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Granting of the variances would have no impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment **adopt** the findings above and **approve** the variance to reduce the north interior side yard setback from 5 feet to 3 feet in the R1A, Single-Family District with the condition that CPED-Planning review and approve final site plan, floor plans, and elevations.

Attachments:

Appendix A: Zoning map

Appendix B: Application

Appendix C: Aerial

Appendix D: Public Comments